

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing: 04 October 2001 (04.10.01)	
International application No.: PCT/US00/08169	Applicant's or agent's file reference: 604.27-PCT
International filing date: 27 March 2000 (27.03.00)	Priority date:
Applicant: MCEWAN, Rick et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
24 August 2000 (24.08.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
4 October 2001 (04.10.2001)

PCT

(10) International Publication Number
WO 01/73642 A1

(51) International Patent Classification⁶: **G06F 17/60**

[US/US]; MindArrow Systems Inc., 101 Enterprise #340, Aliso Viejo, CA 92656 (US).

(21) International Application Number: PCT/US00/08169

(22) International Filing Date: 27 March 2000 (27.03.2000)

(25) Filing Language: English

(26) Publication Language: English

(71) Applicant (for all designated States except US): **MIND ARROW SYSTEMS** [US/US]; 101 Enterprise #340, Aliso Viejo, CA 92656 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **MCEWAN, Rick** [US/US]; MindArrow Systems Inc., 101 Enterprise #340, Aliso Viejo, CA 92656 (US). **PETERSON, Robert**

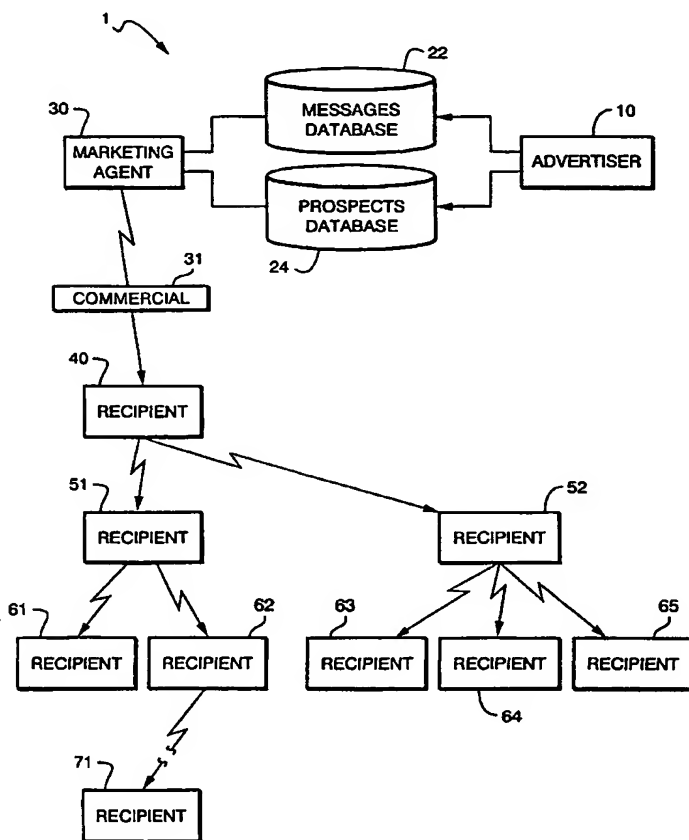
(74) Agents: **FISH, Robert, D. et al.**; FISH & ASSOCIATES, LLP, Suite 706, 1440 N. Harbor Blvd., Fullerton, CA 92835 (US).

(81) Designated States (national): AE, AG, AL, AM, AT, AT (utility model), AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, CZ (utility model), DE, DE (utility model), DK, DK (utility model), DM, DZ, EE, EE (utility model), ES, FI, FI (utility model), GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SK (utility model), SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent

[Continued on next page]

(54) Title: SYSTEMS AND METHODS OF VIRAL MARKETING



(57) Abstract: Methods and systems of viral marketing track the forwarding of commercial messages (31) by recipient (40), and rewards them for doing so. Preferred commercial messages (31) comprise advertisements such as may be found in traditional print or broadcast media, and may be co-branded. The subject matter of the commercials (31) can be virtually anything, from consumer products to political concepts. Messages can be sent to the recipients (40) in any suitable form, including e-mail, and may be forwarded intact, or modified or supplemented by the recipient (40). Rewarding can be accomplished in any suitable manner, as for example by providing redeemable points or e-money. Rewards may vary according to any number of factors, including the number of forwards executed by the recipient, and the number of subsequent generations of forwards spawned by the recipient (40). Reports summarizing the rewards and/or forwarding history may be provided to advertisers (10), recipients (40), or others.

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(AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

Published:

- *with international search report*
- *with amended claims*

AMENDED CLAIMS

[received by the International Bureau on 30 August 2000 (30.08.00);
original claim 1 amended; remaining claims unchanged (1 page)]

1. A method of viral marketing comprising:
providing a commercial message in an electronic medium;
5 providing the commercial message to a recipient;
the recipient forwarding the commercial message to a later generation recipient;
electronically tracking an aspect of the recipient's forwarding of the commercial
message; and
using the electronic tracking as a basis for rewarding the recipient for forwarding
10 the commercial message.
2. The method of claim 1 wherein the commercial message comprises an
advertisement.
3. The method of claim 1 wherein the commercial message comprises a company
logo.
- 15 4. The method of claim 1 wherein the commercial message is co-branded.
5. The method of claim 1 wherein the commercial message comprises a political
message.
6. The method of claim 1 wherein the step of providing the commercial message to
the recipient comprises sending the message to the recipient via e-mail.
- 20 7. The method of claim 1 wherein the step of forwarding the commercial message
comprises sending the message to a later generation recipient via e-mail
8. The method of claim 1 wherein the recipient is a first generation recipient.
9. The method of claim 1 wherein the step of forwarding comprises the recipient
indirectly forwarding the commercial message by providing another entity with an
25 address of the later generation recipient, and the entity causing the forwarding to
occur.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/08169

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : G06F 17/60

US CL : 705/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/14, 10, 26, 27, 1; 709/206; 207, 217, 218, 228, 229; 370/392, 393, 428, 429, 432

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
East, Dialog, Proquest Direct**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,937,162 A (FUNK et al) 10 August 1999 (10.08.1999) See entire document	1-13, 20
—		
A		14-19, 21-22
Y,E	US 6,047,310 A (KAMAKURA et al) 04 April 2000 (04.04.2000) See entire document	1-13, 20
—		
A		14-19, 21-22
Y,E	US 6,076,101 A (KAMAKURA et al) 13 June 2000 (13.06.2000) See entire document	1-13, 20
—		
A		14-19, 21-22
Y	eXstatic Software, "From the Effective Opt-In Email Marketing Strategies Conference eXstatic Software Announces eXstatic eCampaign Designer 2.0 for emarketing", M2 Presswire, Coventry 27 January 2000	1-13, 20
A	US 5,974,398 A (HANSON et al) 26 October 1999 (26.10.1999) See entire document	1-22
A	US 5,933,811 A (ANGLES et al) 03 August 1999 (03.08.1999) See entire document	1-22
A	US 6,029,195 A (HERZ) 22 February 2000 (22.02.2000) See entire document	1-22
A	US 6,018,619 A (ALLARD et al) 25 January 2000 (25.01.2000) See entire document	1-22

☒ Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

06 June 2000 (06.06.2000)

Date of mailing of the international search report

05 JUL 2000

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer

Emanuel T Voeltz

James R. Matthews

Telephone No. (703)305-9700

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/08169

C (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,796,952 A (DAVIS et al) 18 August 1998 (18.08.1998) See entire document	1-22
A	US 5,918,014 A (ROBINSON) 29 June 1999 (29.06.1999) See entire document	1-22
A,E	US 6,055,510 A (HENRICK et al) 25 April 2000 (25.04.2000) See entire document	1-22
A	"AdValue Launches New Tracking Tool for E-Mail Marketing Campaigns", Internet Business News, Coventry, 10 February 2000	1-22
A	Messmer, Ellen, "E-Mail Service Becomes MIME Reader", Network World, Vol. 16, Issue 41, 11 October 1999	1-22
A	DoubleClick, "DoubleClick Debuts New Tool for Testing Creative on the Web", News Release, Dialog File 613:PR Newswire, 20 May 1996	1-22
A	Altia Inc., "Altia Design Propels Into Multimedia Market Creating Animations for Internet Ads", News Release, Dialog File 813: PR Newswire, 19 August 1996	1-22
A	Russo, Michael, "E-Mail Marketing for the Roofing Contractor", RSI, Roofing, Siding, Insulation, Vol. 77, Issue 3, pp 14-16, March 2000	1-22

PCT REQUEST

604.27-PCT

Original (for SUBMISSION) - printed on 24.03.2000 05:41:06 PM

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	10/019159
0-3	Name of receiving Office and "PCT International Application"	
0-4	Form - PCT/RO/101 PCT Request Prepared using	PCT-EASY Version 2.90 (updated 08.03.2000)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	United States Patent and Trademark Office (USPTO) (RO/US)
0-7	Applicant's or agent's file reference	604.27-PCT
I	Title of invention	SYSTEMS AND METHODS OF VIRAL MARKETING
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	eCOMMERCIAL.COM, INC.
II-5	Address:	101 Enterprise #340 Aliso Viejo, CA 92656 United States of America
II-6	State of nationality	US
II-7	State of residence	US
II-8	Telephone No.	949-916-8705
II-9	Facsimile No.	949-916-8713
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	MCEWAN, Rick
III-1-5	Address:	eCommercial.com, Inc. 101 Enterprise #340 Aliso Viejo, CA 92656 United States of America
III-1-6	State of nationality	US
III-1-7	State of residence	US

PCT REQUEST

604.27-PCT

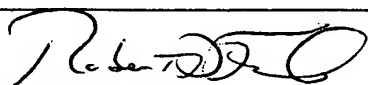
Original (for SUBMISSION) - printed on 24.03.2000 05:41:06 PM

III-2	Applicant and/or inventor	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	PETERSON, Robert
III-2-5	Address:	eCommercial.com, Inc. 101 Enterprise #340 Aliso Viejo, CA 92656 United States of America
III-2-6	State of nationality	US
III-2-7	State of residence	US
IV-1	Agent or common representative; or address for correspondence The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name	FISH & ASSOCIATES, LLP
IV-1-2	Address:	1440 N. Harbor Blvd. Suite 706 Fullerton, CA 92835 United States of America
IV-1-3	Telephone No.	714-449-2337
IV-1-4	Facsimile No.	714-449-2339
IV-1-5	e-mail	rfish@fishandassociates.com
IV-2	Additional agent(s)	additional agent(s) with same address as first named agent
IV-2-1	Name(s)	ZOETEWAY, David; POTEAT, Sandra; FISH, Robert
V	Designation of States	
V-1	Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AP: GH GM KE LS MW SD SL SZ TZ UG ZW and any other State which is a Contracting State of the Harare Protocol and of the PCT EA: AM AZ BY KG KZ MD RU TJ TM and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT EP: AT BE CH&LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE and any other State which is a Contracting State of the European Patent Convention and of the PCT OA: BF BJ CF CG CI CM GA GN GW ML MR NE SN TD TG and any other State which is a member State of OAPI and a Contracting State of the PCT

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V-2	National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AE AG AL AM AT (patent and utility model) AU AZ BA BB BG BR BY CA CH&LI CN CR CU CZ (patent and utility model) DE (patent and utility model) DK (patent and utility model) DM DZ EE (patent and utility model) ES FI (patent and utility model) GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MA MD MG MK MN MW MX NO NZ PL PT RO RU SD SE SG SI SK (patent and utility model) SL TJ TM TR TT TZ UA UG US UZ VN YU ZA ZW	
V-5	Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.		
V-6	Exclusion(s) from precautionary designations	NONE	
VI	Priority claim	NONE	
VII-1	International Searching Authority Chosen	United States Patent and Trademark Office (USPTO) (ISA/US)	
VIII	Check list	number of sheets	electronic file(s) attached
VIII-1	Request	4	-
VIII-2	Description	9	-
VIII-3	Claims	3	-
VIII-4	Abstract	1	abstract.txt
VIII-5	Drawings	3	-
VIII-7	TOTAL	20	
VIII-8	Accompanying items	paper document(s) attached	electronic file(s) attached
VIII-8	Fee calculation sheet	✓	-
VIII-16	PCT-EASY diskette	-	diskette
VIII-18	Figure of the drawings which should accompany the abstract	1	
VIII-19	Language of filing of the international application	English	
IX-1	Signature of applicant or agent		
IX-1-1	Name (LAST, First)	FISH, Robert	

PCT REQUEST

604.27-PCT

Original (for SUBMISSION) - printed on 24.03.2000 05:41:06 PM

FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/US
10-6	Transmittal of search copy delayed until search fee is paid	

FOR INTERNATIONAL BUREAU USE ONLY

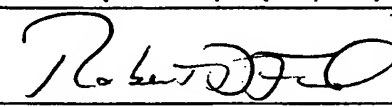
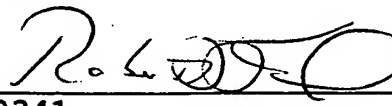
11-1	Date of receipt of the record copy by the International Bureau	
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PCT (ANNEX - FEE CALCULATION SHEET)

604.27-PCT

Original (for SUBMISSION) - printed on 24.03.2000 05:41:06 PM

(This sheet is not part of and does not count as a sheet of the international application)

0	For receiving Office use only		
0-1	International Application No.		
0-2	Date stamp of the receiving Office		
0-4	Form - PCT/RO/101 (Annex) PCT Fee Calculation Sheet		
0-4-1	Prepared using	PCT-EASY Version 2.90 (updated 08.03.2000)	
0-9	Applicant's or agent's file reference	604.27-PCT	
2	Applicant	eCOMMERCIAL.COM, INC., et al.	
12	Calculation of prescribed fees	fee amount/multiplier	total amounts (USD)
12-1	Transmittal fee T	⇒	240
12-2	Search fee S	⇒	700
12-3	International fee Basic fee (first 30 sheets) b1	427	
12-4	Remaining sheets	0	
12-5	Additional amount (X)	10	
12-6	Total additional amount b2	0	
12-7	b1 + b2 = B	427	
12-8	Designation fees Number of designations contained in international application	85	
12-9	Number of designation fees payable (maximum 8)	8	
12-10	Amount of designation fee (X)	92	
12-11	Total designation fees D	736	
12-12	PCT-EASY fee reduction R	-132	
12-13	Total International fee (B+D-R) I	⇒	1,031
12-17	TOTAL FEES PAYABLE (T+S+I+P)	⇒	1,971
12-19	Mode of payment	cheque	
12-20	Deposit account instructions The receiving Office:	United States Patent and Trademark Office (USPTO) (RO/US)	
12-20-2	is hereby authorized to charge any deficiency or credit any over-payment in the total fees indicated above to my deposit account	✓ 	
12-20-3	is hereby authorized to charge the fee for preparation and transmittal of the priority document to the International Bureau of WIPO to my deposit account	✓ 	
12-21	Deposit account No.	500341	
12-22	Date	24 March 2000 (24.03.2000)	


COPY

2/2

PCT (ANNEX - FEE CALCULATION SHEET)

604.27-PCT

Original (for SUBMISSION) - printed on 24.03.2000 05:41:06 PM

12-23	Name and signature	FISH, Robert 
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VALIDATION LOG AND REMARKS

13-2-3	Validation messages Names	Green? Applicant 1.: Name should preferably be entered in capital letters. Please verify.
13-2-4	Validation messages Priority	Green? No priority of an earlier application has been claimed. Please verify
13-2-6	Validation messages Contents	Yellow! The power of attorney or a copy of the general power of attorney will need to be furnished unless all applicants sign the request form.

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 15 OCT 2001

WIPO

PCT

Applicant's or agent's file reference 604.27-PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/08169	International filing date (day/month/year) 27 March 2000 (27.03.2000)	Priority date (day/month/year) NONE	
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/14			
Applicant MINDARROW SYSTEMS, INC.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 24 August 2000 (24.08.2000)		Date of completion of this report 01 November 2000 (01.11.2000)	
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230		Authorized officer James Trammell <i>James Trammell</i> Telephone No. (703)305-9700	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/08169

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description:
pages 1-9 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages NONE, as originally filed
pages 10-12, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the drawings:
pages 1-3, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/08169

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-22 YES
Claims NONE NO

Inventive Step (IS)

Claims 1-22 YES
Claims NONE NO

Industrial Applicability (IA)

Claims 1-22 YES
Claims NONE NO

2. CITATIONS AND EXPLANATIONS (Rule 70.7)

Claims 1-22 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the following:

As per amended claim 1 and dependent claims 2-22, the prior art does not teach or fairly suggest electronically tracking an aspect of a recipient's forwarding of a commercial message and using the electronic tracking as a basis for rewarding the recipient for forwarding the commercial message.

CLAIMS

What is claimed is:

1. A method of viral marketing comprising:
providing a commercial message in an electronic medium;
5 providing the commercial message to a recipient;
the recipient forwarding the commercial message to a later generation recipient;
tracking an aspect of the recipient's forwarding of the commercial message; and
rewarding the recipient for forwarding the commercial message.
2. The method of claim 1 wherein the commercial message comprises an
10 advertisement.
3. The method of claim 1 wherein the commercial message comprises a company
logo.
4. The method of claim 1 wherein the commercial message is co-branded.
5. The method of claim 1 wherein the commercial message comprises a political
15 message.
6. The method of claim 1 wherein the step of providing the commercial message to
the recipient comprises sending the message to the recipient via e-mail.
7. The method of claim 1 wherein the step of forwarding the commercial message
comprises sending the message to a later generation recipient via e-mail
- 20 8. The method of claim 1 wherein the recipient is a first generation recipient.
9. The method of claim 1 wherein the step of forwarding comprises the recipient
indirectly forwarding the commercial message by providing another entity with an
address of the later generation recipient, and the entity causing the forwarding to
occur.
- 25 10. The method of claim 1 wherein the step of forwarding the commercial message
comprises forwarding at least a portion of the commercial message that includes an
advertisement.

11. The method of claim 1 wherein the step of forwarding comprising the recipient forwarding the commercial message without modification to the later generation recipient via e-mail.
- 5 12. The method of claim 1 wherein the step of forwarding comprising the recipient supplementing the commercial message.
13. The method of claim 1 wherein the step of forwarding comprising the recipient modifying the commercial message.
14. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least two generations.
- 10 15. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least three generations.
16. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least three contiguous generations.
- 15 17. The method of claim 1 wherein the aspect of the forwarding being tracked comprises a forwarding date and a forwarding address.
18. The method of claim 1 wherein the step of rewarding comprises providing a reward that varies depending upon a total number of later generation recipients to which the commercial message has been forwarded.
- 20 19. The method of claim 1 wherein the step of rewarding comprises providing a reward that varies depending upon a number of generations to which the commercial message has been forwarded.
20. The method of claim 1 wherein the step of rewarding comprises providing a reward selected from the list consisting of redeemable points and e-money.
- 25 21. The method of claim 1 further comprising providing a supplier of the commercial message with a report summarizing a forwarding history over multiple generations.

22. The method of claim 1 further comprising providing the recipient with a report summarizing a forwarding history over multiple generations.

**IN THE UNITED STATES INTERNATIONAL PRELIMINARY
EXAMINATION AUTHORITY (IPEA/US)**

International Application Number	International Filing Date	International Earliest Priority Date
PCT/US00/08169	27 March 2000	27 March 2000

Title of Invention: **Systems and Methods of Viral Marketing**
Applicant: **MindArrow Systems, Inc.**

International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

**LETTER FOR PCT ARTICLE 19 AMENDMENT OF CLAIMS
(PCT SECTION 205)**

1. Applicant herewith submits replacement sheets(s) number(ed) 10-12 to replace sheet(s) number(ed) 10-12, originally filed for this application.
2. In respect of each claim appearing in the international application based on the replacement sheets submitted herewith, and in accordance with PCT Section 205, the following claim(s) is/are:
 - (i) unchanged: claim(s) 2-22
 - (ii) cancelled: claim(s) 0
 - (iii) new: claim(s) 0
 - (iv) replacement of one or more claims as filed, as follows: 1
 - (v) the result of the division of one or more claims as filed, as follows: 0

Dear Sir:

This letter responds to the Search Report dated 5 July, 2000.

Substitute Claim Sheets

Please substitute the attached substitute claim sheets numbered 10-12 for the previously filed claim sheets numbered 10-12. The only change was to claim 1, which is amended as follows:

1. A method of viral marketing comprising:
providing a commercial message in an electronic medium;
providing the commercial message to a recipient;
the recipient forwarding the commercial message to a later generation recipient;
electronically tracking an aspect of the recipient's forwarding of the commercial message; and
using the electronic tracking as a basis for rewarding the recipient for forwarding the commercial message.

Cited References

The Office indicated in the search report that claims 1-13 and 20 are obvious over Funk et al. (US 5937162), Kamakura et al. (US 6047310), Kamakura et al. (6076101), and eXstatic software (press release 27 January 2000). Apparently, claims 14-19 and 21-22 are deemed allowable.

Funk et al.

Claim 1 as filed (and claims 2-13 and 20 by virtue of their dependency on claim 1), all contain the following limitations, including the limitations tracking an aspect of the recipient's forwarding of the commercial message, and rewarding the recipient for forwarding the commercial message (emphasis added).

1. (as filed) A method of viral marketing comprising:
providing a commercial message in an electronic medium;
providing the commercial message to a recipient;
the recipient forwarding the commercial message to a later generation recipient;
tracking an aspect of the recipient's forwarding of the commercial message; and
rewarding the recipient for forwarding the commercial message.

Funk describes an e-mail delivery system that sends virtual newspapers to recipients. To make efficient use of outbound processing power, Funk employs multiple, parallel transmission queues. There is no teaching, suggestion or motivation for rewarding recipients with anything all, let alone rewarding them for forwarding their virtual newspapers to others. Thus, the applicant fails to understand how Funk has any bearing on the pending claims.

If anything, the teachings of Funk are inconsistent with the combinations recited in claims 1-13, and 20. The whole idea of Funk is to mail out individualized newspapers. Since each person gets to customize his newspaper in a manner that is presumably optimized for that person, there is little or no benefit in rewarding an individual for forwarding his customized newspaper to someone else for whom the newspaper would almost certainly not be optimized.

It is appreciated that many vendors encourage their customers to "tell a friend", and thereby increase sales for the vendor's business. "Word of mouth" marketing is, after all, among the most cost-effective methods. For example, it is already known to extend a current customer's magazine or newspaper subscription by a few months for every new subscriber referred by the current customer. But a significant difference is that in all previous instances known to the applicant, the only form of tracking going on is when a current customer provides prospect information to a vendor, which then enters the referral information in a database, and subsequently uses that information to contact the referral and close the sale. Never before has anyone tracked the very act of the current customer (user, subscriber, or other recipient) forwarding a commercial message, and then using that tracking information to reward the current customer.

In case these limitations were not made entirely clear in the current claims, all presently pending claims are amended herein to expressly recite that the tracking occurs "electronically", and that the electronic tracking is used "as a basis for rewarding the recipient for forwarding the commercial message." Those changes should completely eliminate any possible relevance of Funk.

Kamakura et al. (US 6047310)

This reference describes various aspects of creating advertisement distribution lists "on the fly" by matching sender/receiver requirements. Here again it is not understood why this reference is relevant. There is no teaching, suggestion, or motivation for (a) tracking a recipient's forwarding of any commercial, or (b) rewarding the recipient for doing so. In fact, the applicant reads the reference as being completely devoid of any discussion at all of relationships among recipients.

This reference describes various aspects of using bonus points to "[encourage] the recipients to open, read, and reply to the e-mail messages send from the sender." ('101 Abstract). The reference is also largely irrelevant.

Among other things, Kamakura et al. focuses entirely on providing bonus points to recipients for returning a reply back to the sender. The sender (which is presumed throughout the '101 application to be a vendor of some sort) wants to make sure that in exchange for giving out valuable bonus points, the recipient has actually read and understood the message. In a preferred embodiment, for example, the bonus points awarded depend in part on the volume of the reply, on the assumption that longer replies imply a greater understanding of the originally received message. Thus, Kamakura rewards sending a reply back to the sender, not for forwarding the original message to someone else as recited in the pending claims. Nor is there is there any suggestion or motivation for doing so. Very simply, Kamakura never contemplated rewarding a recipient for forwarding behaviors.

There are even good reasons that Kamakura never contemplated rewarding a recipient for forwarding behaviors. First, Kamakura's "bonus points" are only awarded to recipients "who have agreed beforehand to receive e-mail messages from a particular sender." ('101 Specification, col. 3, lines 21-24). That provision is important so as not to "spam" recipients with commercial messages that hold no interest for them, and also because there is no benefit in giving out bonus points to recipients who are not being motivated by the bonus points. Any recipient to whom a message is forwarded either already knows about the bonus point program and therefore would likely have already received his own copy of the message, or would not know about the program. In the first instance the sender would not want to give out bonus points because they would be redundant (points to the forwarding recipient and more points to the forwarded recipient), and in the second instance the sender would not want to give out bonus points because the forwarded recipient would presumably be opening the message anyway, and therefore not be motivated by the obtaining the bonus points. Since it only makes sense for Kamakura to have senders provide bonus points to those individuals who already know about the bonus point program, there is no benefit in giving bonus points for forwarding an advertisement as presently claimed.

This reference describes various aspects of an e-mail campaign management tool. As with so many other tools on the market, the eXstatic software apparently merges commercial messages with e-mail tracking and campaign reporting. The reference includes the usual blathering about "strong adherence to opt-in practices", "maximum flexibility" and "[scaling] to swift growth", and a "typical targeted e-marketing response rate [that] can be as high as 15 to 20 percent." But so what?. The reference neither teaches nor suggests anything at all about how it works. There is certainly no teaching, suggestion, or motivation to electronically track an aspect of the recipient's forwarding of the commercial message, and then use the electronic tracking as a basis for rewarding the recipient for forwarding the commercial message. Yet this is what is being claimed.

Combinations

The references cannot fairly be combined with each other to satisfy the limitations of the presently pending claims. There is simply no suggestion, motivation, or other basis for combining the references in any manner, let alone in the direction of the pending claims. Moreover, even if it were proper to use hindsight to select and combine elements from the various references, no such combination would yield the claimed combinations. There is no teaching, suggestion, or motivation in any of the references, taken in any combination whatsoever, to electronically track an aspect of the recipient's forwarding of the commercial message, and then use the electronic tracking as a basis for rewarding the recipient for forwarding the commercial message.

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Request for Conference

The pending claims are patentable. If after considering the above arguments and the claim modifications the Authorized Officer still considers the claims to be unpatentable over the prior art, the undersigned would appreciate the opportunity to discuss this matter directly. This could be accomplished by telephone, or if the Authorized Officer finds it appropriate, the undersigned would be pleased to come to Washington to discuss the same, and perhaps develop claims that would be considered allowable.

Respectfully submitted,

Fish & Associates, LLP

Dated: August 24, 2000

By: 
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CLAIMS

1. A method of viral marketing comprising:
providing a commercial message in an electronic medium;
5 providing the commercial message to a recipient;
the recipient forwarding the commercial message to a later generation recipient;
electronically tracking an aspect of the recipient's forwarding of the commercial
message; and
using the electronic tracking as a basis for rewarding the recipient for forwarding
10 the commercial message.
2. The method of claim 1 wherein the commercial message comprises an advertisement.
3. The method of claim 1 wherein the commercial message comprises a company logo.
- 15 4. The method of claim 1 wherein the commercial message is co-branded.
5. The method of claim 1 wherein the commercial message comprises a political message.
6. The method of claim 1 wherein the step of providing the commercial message to the recipient comprises sending the message to the recipient via e-mail.
- 20 7. The method of claim 1 wherein the step of forwarding the commercial message comprises sending the message to a later generation recipient via e-mail
8. The method of claim 1 wherein the recipient is a first generation recipient.
9. The method of claim 1 wherein the step of forwarding comprises the recipient indirectly forwarding the commercial message by providing another entity with an
25 address of the later generation recipient, and the entity causing the forwarding to occur.

10. The method of claim 1 wherein the step of forwarding the commercial message comprises forwarding at least a portion of the commercial message that includes an advertisement.
- 5 11. The method of claim 1 wherein the step of forwarding comprising the recipient forwarding the commercial message without modification to the later generation recipient via e-mail.
12. The method of claim 1 wherein the step of forwarding comprising the recipient supplementing the commercial message.
- 10 13. The method of claim 1 wherein the step of forwarding comprising the recipient modifying the commercial message.
14. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least two generations.
15. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least three generations.
- 15 16. The method of claim 1 wherein the step of tracking comprises tracking forwarding of the commercial message through at least three contiguous generations.
17. The method of claim 1 wherein the aspect of the forwarding being tracked comprises a forwarding date and a forwarding address.
18. The method of claim 1 wherein the step of rewarding comprises providing a
20 reward that varies depending upon a total number of later generation recipients to which the commercial message has been forwarded.
19. The method of claim 1 wherein the step of rewarding comprises providing a reward that varies depending upon a number of generations to which the commercial message has been forwarded.
- 25 20. The method of claim 1 wherein the step of rewarding comprises providing a reward selected from the list consisting of redeemable points and e-money.

21. The method of claim 1 further comprising providing a supplier of the commercial message with a report summarizing a forwarding history over multiple generations.
22. The method of claim 1 further comprising providing the recipient with a report summarizing a forwarding history over multiple generations.